

Remarks

Claims 1, 2, 6-11, 15-20, 22, 26, 30, 34-37, 45, and 50, have been objected to for various reasons described in the Office action. To address these objections, claims 1, 11, 22 and 30 have been amended, while claims 6, 15, 26, 34, 45, and 50 have been cancelled. Withdrawal of the objections to these claims is respectfully requested.

Claims 1-2, 6-8, 30, 34, 36, and 37 have been rejected under 35 USC 103(a) as being unpatentable over U.S. published patent application 2003/0169769 ("Ho") in view of U.S. published patent application 2002/0089959 ("Fischer").

Claim 9 has been rejected under 35 USC 103(a) as being unpatentable over Ho and Fischer in view of U.S. published patent application 2005/0073960 ("Oura").

Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over Ho and Fischer in view of U.S. patent 5,706,428 ("Boer").

Claims 11, 15, 17-18, 20-22, 26-27, 41, 46, and 50 have been rejected under 35 USC 103(a) as being unpatentable over Boer in view of Fischer.

Claim 19 has been rejected under 35 USC 103(a) as being unpatentable over Boer and Fischer in view of Oura.

Claims 40 and 45 have been rejected under 35 USC 103(a) as being unpatentable over Ho and Fischer in view of U.S. patent 6,694,134 ("Lu").

Applicants respectfully traverse these rejections because the cited references do not disclose or suggest every limitation of any of these claims, as the following analysis shows.

Independent claims 1, 11, 21, 30, 40, and 46 each recite that the two claimed protocol data units (PDUs) are transmitted from the same device (claims 1, 21, 40), or received by the same device (claims 11, 30, 46). When Applicants made this argument in the previous amendment, the Examiner stated (in section 12 of the Office action) that this limitation was in the preambles and therefore was not given patentable weight. Claims 1, 11, 40, and 46 have been amended to explicitly put this limitation in the body of these claims. The plain language of

claims 21 and 30 already had this limitation in the body of the claims, a fact that wasn't addressed by the Examiner's statement.

In addressing claim 1 (page 4 of the Office action), and claim 30 (page 8), the rejection cites Fig. 5 and paragraph 36 of Ho as showing the single device, while variously referring to Figs. 1-6 and paragraphs 7-10 of Ho for other specifically claimed limitations. However, a review of all these figures and paragraphs shows that the system described by Ho requires two network devices (100, 102 in Fig. 5), and that each of the two data units described by Ho (a data frame and an Ack frame) is transmitted by a different one of these two devices (see any of Figs. 2, 4a, 4b, or 4c). Similarly, each of the two data units in Ho is received by a different one of these two devices. The use of two separate devices is required by Ho, since the second transmission is a response to indicate correct reception of the first transmission. Ho does not disclose or suggest the limitation of transmitting both PDU's from the same device, or of receiving both PDU's by the same device.

In addressing claim 40 (page 26 of the Office action), Ho is again mentioned as a reference, but no portion of Ho is cited for teaching the transmitting of both PDUs from a single device. However, even if it were mentioned, Ho does not disclose or suggest such a thing, as previously described for claims 1 and 30.

In addressing claim 11 (page 13 of the Office action), claim 21 (page 16), and claim 46 (page 21), the rejection cites Boer as teaching all the limitations except for the limitation involving an interframe space. However, the cited portions of Boer say nothing about transmitting two PDU's from the same device. Figs. 1-3, and the associated text, only describe how the hardware is arranged, but say nothing about the content or timing of transmissions to/from these devices. Figs. 4-6 only show the protocols that are followed within the equivalent of a single PDU, but show nothing about transmitting multiple such PDU's from a single device. On page 14 of the Office action, the rejection states "note that more than one data message are transmitted and received; see col. 2, line 5-25; see col. 3, line 1-40". But a review of these passages uncovers no mention of multiple data messages.

Independent claims 1, 11, 21, and 46 each recite, in various language, that the second PDU follows the first PDU by less than the time period of an interframe space. In the rejection, paragraphs 27 and 29-30 of Fischer are cited as teaching this limitation, and the combination of Fischer with either Ho or Boer is then stated to be obvious. However, since Ho and Boer fail to disclose or suggest all the other limitations in any of these claims, the question of motivation to combine the references becomes moot, since some of the limitations are not disclosed or suggested in any of the cited references.

Independent claims 30 and 40 each recite, in various language, that the second PDU starts on the next symbol boundary following the first PDU. In the rejection, paragraphs 27 and 29-30 of Fischer are cited as teaching this limitation. However, Fischer never mentions anything about symbol boundaries in any context, much less as a limitation on the time between two PDUs. The cited combination of references fails to disclose or suggest every limitation of either claim 30 or claim 40, rendering moot any question of motivation to combine the references.

The remaining pending claims all depend, directly or indirectly, from one of independent claims 1, 11, 21, 30, 40, and 46, and therefore contain the same limitations that are not disclosed or suggested by the cited references.

Claims 16, 35, and 51 have been objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter, but believe such rewriting is unnecessary at this time in view of the above observations.

Conclusion

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

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